



**WEEE Recast – Europe must avoid loopholes allowing WEEE dumping on developing countries, emphasise eco-design and introduce a differentiated fee system for end-of-life treatment**

Amsterdam, Brussels, Copenhagen, 9 November 2011

Dear members of the Council working party on WEEE,

At the occasion of the upcoming triilogue meeting scheduled for on the 10<sup>th</sup> November 2011 with regard to the current WEEE Recast, the signatories of this letter would like to make policy recommendations in three areas to address concerns over serious human rights and sustainability issues related to electronic waste.

- 1) First, all non-tested electronics items should be defined as WEEE instead of as used EEE, regardless of origin or fate. No exemptions should be allowed in Annex VI of the WEEE Recast. This is to avoid that huge quantities of potential WEEE (e.g. off-lease equipment, or equipment with a maintenance agreement) escape Europe and are sent to developing countries lacking in infrastructure, resources and workers protections, which is in flagrant contravention of the Basel Convention.
- 2) Second, incentives must be provided to solve the e-waste problem most effectively at the source by including ambitious eco-design requirements for electronic products into the WEEE directive.
- 3) Third, a WEEE fee structure should be established that differentiates costs in accordance with product properties. For example: less hazardous inputs and ease of recycling would require producers to pay fewer fees. To be effective this would require harmonised criteria for differentiating fees at the EU level. To this end the signatories to this letter call for support of amendments 33, 53, 54, 55 and 69.

The Centre for research on multinational corporations (SOMO), DanWatch, the European Environmental Bureau (EEB), the makeITfair project, the Basel Action Network (BAN), and the GoodElectronics Network represent a considerable constituency of European and international civil society organisations. Together we have extensive expertise with regard to human rights and sustainability issues in the global electronics value chain.

Specifically, in this context, we would like to evoke the detrimental impact of the stream of electronic waste on the environment and the health of waste workers and the surrounding communities in waste receiving countries. Waste recycling in developing countries is a highly informal sector. Where children are involved,

e-waste recycling can be categorised as one of the worst forms of child labour. The work is dirty, dangerous and badly paid. Harmful substances are emitted to the air and the ground water causing severe pollution.

At the other end of the supply chain, at the mining stage, serious problems also occur. The mining of metals used in electronic products often takes place under objectionable circumstances. Again, this is generally a highly informal sector with bad pay for hard work. Child labour is not uncommon. As often as not, communities are not consulted about mining activities in their areas. The environment may suffer irreparable damage and precious natural resources are squandered.<sup>1</sup> In the case of so-called conflict minerals, as mined in the Democratic Republic of Congo, serious human rights concerns come into the picture.

Repeatedly, over the past years, reports have been published describing the highly problematic influx of both second-hand and obsolete electronic products from Europe into developing countries like Nigeria and Ghana, in West Africa. Volumes of globally exported e-waste are estimated to be in the region of millions of tonnes.<sup>2</sup> Yearly, 112,000 tonnes of e-waste exported from all over the world arrive in Ghana.<sup>3</sup> As early as 2005, the Basel Action Network revealed in its report “The Digital Dump. Exporting re-use and abuse to Africa” how monthly an estimated 500 containers filled with used electronics entered the port of Lagos, Nigeria.<sup>4</sup> Recent research carried out by Danish research organisation and makeITfair member DanWatch into the Agbogbloshie dumpsite in the Ghanaian capital Accra mentions an estimated 600 40-foot containers that arrive every month at Tema port. These containers are filled with second-hand and obsolete electronic products, including televisions (Cathode Ray Tube (CRT) style and others), Central Processing Units (CPU), DVD players, laptops, computers, and computer peripherals such as keyboards and printers. This material is shipped from different European countries including Italy, the Netherlands, Germany, United Kingdom, Sweden, France and Denmark.<sup>5</sup>

Such exports skirt the Waste Shipment Regulation (regulation No 1013/2006) which bans such exports, by claiming the material as “working equipment” and therefore as “non-waste”. However, these materials are not tested and an estimated 75% is simply directly dumped and burned. The WEEE Recast’s new Annex VI was designed to solve this problem, and it did, until a few months ago when massive loopholes were introduced. The proposed loopholes allow producers to export high volumes of waste as long as it is for “professional use” and there is an after-sales service agreement. This would for instance include manufacturer leasing programmes, which are huge. In 2009, the worldwide market for IT leasing and financing exceeded \$100 billion, with the market forecasted at \$120 billion by 2013. In the US, Japan, and major EU countries, 14% to 18% of all IT equipment involves some type of leasing/financing.<sup>6</sup> The current

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<sup>1</sup> M. van Huijstee & E. de Haan (2009). E-waste policy paper. Amsterdam: SOMO

<sup>2</sup> Transfrontier shipment of electronics waste. IMPEL project report, December 2009. <http://impel.eu/wp-content/uploads/2011/07/IMPEL-Report.pdf>

<sup>3</sup> Figure based on research by the Dutch Ministry for Transport, Spatial Planning and the Environment (VROM), see: ‘Ban bepleit op export van e-waste naar Ghana’, <http://www.immovator.nl/ban-bepleit-op-export-van-e-waste-naar-ghana>, visited on 27 October 2011.

<sup>4</sup> The digital dump. Exporting re-use and abuse to Africa. BAN, October 2005. <http://ban.org/library/TheDigitalDump.pdf>

<sup>5</sup> makeITfair (to be published 23 November 2011). What a waste – How your computer causes health problems in Ghana. Copenhagen: DanWatch.

<sup>6</sup> White Paper: IT Leasing and Financing: Strategic, Operational, and Financial Factors to Consider, Joseph C. Pucciarelli, International Data Corporation (IDC), September 2010.

draft version of Annex VI will allow major computer manufacturers in the computing leasing business to simply export all of their used equipment to developing countries without having to test it for functionality, and exempt their used materials from the Waste Shipment Regulation. In light of the problems e-waste is causing in developing countries this is unacceptable. The signatories of this letter urge that for the final version of Annex VI these loopholes are repaired.

In fact, the current WEEE Recast provides an excellent opportunity for Europe to diminish its negative social and environmental impact by looking upstream and emphasising the need to address these issues at the root, that is at the design table. We are calling for environmentally friendly and resource-efficient design of electronic products with a longer life span. By taking up ambitious eco-design requirements in the WEEE Directive the use of rare metals may be reduced and toxic components can be eliminated from electronic products. Moreover, design for recycling must be emphasised, so that at the end-of-life stage components can be retrieved easier, increasing the material yield from e-waste recycling and downsizing the demand for extraction of virgin materials.

Finally, we would like to stress the need to further elaborate the current mechanisms for individual producer responsibility. At the moment, EEE producers pay a fee to cover the cost of end-of-life treatment of the products they bring on the market. We support the establishment of a differentiated fee system, allowing for differentiation of fees according to product properties: the easier the end-of-life management, the lower the end-of-life treatment costs, the lower the producers' fee. To be effective this would require harmonised criteria for differentiating fees at the EU level.

We invite the Council to give proper consideration to reducing the impacts of WEEE and used EEE export in view of a decision at the next December Environmental Council and are willing to provide further explanations in a meeting with the Council.

In that perspective this letter will also be sent to the Environment Ministers of the Member States of the European Union.

Sincerely,

makeITfair, the GoodElectronics Network, DanWatch, SOMO, EEB, Basel Action Network.

**makeITfair** is a European wide project on consumer electronics industry, aiming to inform consumers about the human rights, social and environmental issues along the supply chain and ask multinational electronics brands to account for those issues. makeITfair is co-ordinated by the Dutch organisation SOMO (Centre for Research on Multinational Corporations). Project partners are SwedWatch and Fair Trade Center from Sweden, FinnWatch and Pro Ethical Trade Finland from Finland; DanWatch from Denmark, Germanwatch from Germany, Association of Conscious Consumers (ACC) from Hungary, ACIDH from the DR Congo, CIVIDEP from India, Workers Assistance Center (WAC) from the Philippines and Civil Society Research and Support Collective (CSRSC) from South Africa. [www.makeitfair.org](http://www.makeitfair.org). Contact Irene Schipper at [i.schipper@somo.nl](mailto:i.schipper@somo.nl)

**The GoodElectronics Network** accommodates networks, organisations and individuals that are concerned about human rights and sustainability issues in the global electronics supply chain, including trade unions, grass roots organisations, campaigning and research organisations, academia, activists, human rights defenders, and relevant media. The GoodElectronics Network has a vision of a global electronics industry characterised by compliance with the highest international human rights and sustainability standards. The GoodElectronics network sees it as its mission to contribute to improving corporate and public policies and practices regarding compliance to human rights and sustainability in the global electronics supply chain. [www.goodelectronics.org](http://www.goodelectronics.org). Contact: Pauline Overeem at [p.overeem@goodelectronics.org](mailto:p.overeem@goodelectronics.org)

The Centre for research on multinational corporations **SOMO** is an independent, non-profit research and network organisation working on social, ecological and economic issues related to sustainable development, and coordinator of makeITfair and GoodElectronics. [www.somo.nl](http://www.somo.nl). Contact: Mariette van Huijstee at [m.van.huijstee@somo.nl](mailto:m.van.huijstee@somo.nl)

**DanWatch** is an independent non-profit media, conducting investigative journalism on the consequences for people and environment of the global activities of corporations. The aim of DanWatch is to further responsible production, investment and services throughout corporate value chains, and creating motivation for respecting international standards for corporate social responsibility. [www.danwatch.dk](http://www.danwatch.dk). Contact: Peter Bengtsen at [peter@danwatch.dk](mailto:peter@danwatch.dk).

Created in 1974, the **European Environmental Bureau EEB** is now Europe's largest federation of environmental organisations with 140+ member organizations. The EEB is the environmental voice of its members and European citizens. It focuses on influencing EU policymaking and implementation and assessment of its agreed policies. It aims to be effective by combining knowledge with representativeness, active involvement of its members and coalition building. [www.eeb.org](http://www.eeb.org). Contact: Stephane Arditì at [stephane.arditi@eeb.org](mailto:stephane.arditi@eeb.org).

**Basel Action Network BAN** (BAN) is a global NGO watchdog organization focused on preventing toxic trade and promoting global environmental justice and a toxics free future. It was established in 1997 and was the organization that revealed wide scale global dumping of electronic waste in Asia and in Africa. It operates three campaigns to achieve electronics environmental stewardship, green ship recycling and implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and its Decisions such as the Basel Ban Amendment. BAN has been instrumental in raising the awareness of e-waste exportation and dumping worldwide and finding sustainable solutions to the e-waste crisis. [www.ban.org](http://www.ban.org). Contact: Jim Puckett at [jpuckett@ban.org](mailto:jpuckett@ban.org).